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EXAMINER	
GAUTHIER, GERALD	
ART UNIT	PAPER NUMBER
2645	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/144,313

Applicant(s)

GAINSBORO ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 2 and 3** are rejected under 35 U.S.C. 102(b) as being anticipated by Stern et al. U.S. Patent No. 5,054,059 (hereinafter Stern).

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Regarding **claim 2**, Stern teaches a method of managing institutional telephone activity between a calling party and a called party, wherein said method comprises the steps of:

providing an account for each said calling party, wherein said account comprises calling entitlements (see column 3, lines 19-23);

initiating a communication connection by said calling party from a calling terminal, wherein said initiating comprises a communication request by said calling party (see column 3, lines 25-32);

identifying said calling party (see column 3, lines 56-59);

analyzing said communication request to determine parameters (see column 3, lines 59-61); and

comparing said parameters to said entitlements to determine whether said calling party is entitled to a communication between said called party and said calling party (see column 3, lines 61-64).

Regarding **claim 3**, Stern teaches a method, wherein said method further comprises the step of:

establishing said communication based on said comparing (see column 4, lines 3-8).

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. **Claim 35** is rejected under 35 U.S.C. 102(e) as being anticipated by Gainsboro U.S. Patent No. 5,655,013.

Gainsboro teaches a method of managing institutional telephone activity between a calling party and a called party (column 3, lines 11-18), wherein said method comprises the steps of:

providing a plurality of calling terminals, a plurality of telephone lines (see 1 on FIG. 1 and column 5, line 66 to column 6, line 3), an administrative database (see 2 on FIG. 1), an administrative interface (see 4 on FIG. 1), wherein said database comprises an individual account for each calling party (see column 6, lines 8-12) and wherein each said account provides individual entitlements to each said calling party (see column 6, lines 13-20).

placing a communication request from one of said calling terminals by said calling party to a called party, wherein said placing comprises the step of entering numeric data into one of said calling terminals (see column 9, lines 1-4);

accepting said communication request (see column 9, lines 5-20);

identifying said calling party (see column 9, lines 9-12);

analyzing said communication request to determine parameters see column 9, lines 14-20).

comparing said parameters with said entitlements (see column 9, lines 5-20); and
conditionally establishing communication between said called party and said calling party (see column 9, lines 31-35).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 4, 8 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern in view of Freedman U.S. Patent No. 5,627,887.

Regarding **claim 4**, Stern as applied to **claim 2** above differs from **claim 4** in that Stern does not disclose the called party communication interactions.

However, Freedman teaches a method, wherein said method further comprises the steps of:

placing said calling party on hold (see column 5, lines 51-55) [connected to voice processing unit is putting calling party on hold];

establishing communication with said called party (see column 5, lines 56-59);

calculating a rate to charge said called party for said communication (see column 6, lines 38-44);

announcing said rate to said called party (see column 7, lines 20-24);

prompting said called party for acceptance or refusal of said rate (see column 7, lines 25-27);

receiving a response from said called party (see column 7, line 27-31); and

establishing communication between said calling party and said called party based on said response (see column 7, lines 31-39).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding this capability in the calling party line as taught by Freedman.

The modification will allow the system to manage the call such that the service provider would save the operating cost.

Regarding **claim 8**, Stern as applied to **claim 2** above differs from **claim 8** in that Stern does not disclose the calling party on hold.

However, Freedman teaches a method, wherein said establishing comprises the steps of:

placing said calling party on hold (see column 5, lines 51-55) [connected to voice processing unit is putting calling party on hold];

initiating connection with said called party (see column 5, lines 56-59);

detecting completion of said connection (see column 7, lines 5-7);

providing identification of said calling party to said called party (see column 7, lines 20-24);

prompting said called party for acceptance or refusal of communication with said calling party (see column 7, lines 25-27); and

receiving a response from said called party to said prompting (see column 7, line 27-31);

wherein said response determines whether said calling party and said called party are connected (see column 7, lines 31-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the calling party on hold as taught by Freedman.

The modification will allow the system to control the call such that the operator will dial the called party.

Art Unit: 2645

Regarding **claim 11**, Stern as applied to **claim 2** above differs from **claim 11** in that Stern does not disclose the replaying a call origination message to said called part.

However, Freedman teaches a method, wherein said method further comprises the step of:

replaying a call origination message to said called party (see column 7, lines 20-24).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the replaying a call origination message to said called part as taught by Freedman.

The modification will allow the called party to have the original message played such that the called party would hear the calling party name.

7. **Claims 5, 6, 12-16 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern in view of Gainsboro.

Regarding **claim 5**, Stern as applied to **claim 2** above differs from **claim 5** in that Stern does not disclose the calling party has an account.

However, Gainsboro teaches a method, wherein said comparing comprises the step of:

determining whether said calling party has an active account (see column 6, lines 9-12);

wherein said communication is denied if said determining returns a negative result (see column 6, lines 20-22).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the calling party has an account as taught by Gainsboro.

The modification will allow the system to control the call such that the service provider would stop fraud.

Art Unit: 2645

Regarding **claim 6**, Stern as applied to **claim 2** above differs from **claim 6** in that Stern does not disclose that the communication is denied.

However, Gainsboro teaches a method, wherein said comparing comprises the steps of:

identifying said calling terminal (see column 7, line 41-48); and

determining whether said calling party is entitled to use said calling terminal (see column 7, lines 48-55);

wherein said communication is denied if said determining returns a negative result (see column 9, lines 21-25).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the communication is denied capability as taught by Gainsboro.

The modification will allow the system to control the call such that the service provider would save the operating cost.

Art Unit: 2645

Regarding **claim 12**, Stern as applied to **claim 2** above differs from **claim 12** in that Stern does not disclose the account contains data representative of telephone numbers.

However, Gainsboro teaches a method, wherein said account contains data representative of telephone numbers (see column 7, lines 48-55).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the account contains data representative of telephone numbers as taught by Gainsboro.

The modification will allow the operator to control the call such that the operator could charge the right number.

Regarding **claim 13**, Stern as applied to **claim 2** above differs from **claim 13** in that Stern does not disclose the account contains data representative of telephone numbers.

However, Gainsboro teaches a method, wherein said account contains data representative of personal identities (see column 7, line 41-48).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the account contains data representative of telephone numbers as taught by Gainsboro.

The modification will allow the system to identify the caller such that the operator could request the caller's name.

Regarding **claim 14**, Stern as applied to **claim 3** above differs from **claim 14** in that Stern does not disclose the record said communication by said calling party.

However, Gainsboro teaches a method, wherein said account contains data indicating whether to record said communication by said calling party (see column 7, lines 48-55).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the record said communication by said calling party as taught by Gainsboro.

The modification will allow the system to record the call such that the information would be saved in the memory.

Regarding **claim 15**, Stern as applied to **claim 3** above differs from **claim 15** in that Stern does not disclose the record said communication to said called party.

However, Gainsboro teaches a method, wherein said account contains data indicating whether to record said communication to said called party (see column 7, lines 48-55).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the record said communication to said called party as taught by Gainsboro.

The modification will allow the system to record the call such that the service provider would save the billing data.

Regarding **claim 16**, Stern as applied to **claim 3** above differs from **claim 16** in that Stern does not disclose the monitoring said communication by said calling party.

However, Gainsboro teaches a method, wherein said account contains data indicating whether to monitor said communication by said calling party (see column 8, lines 8-12).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the monitoring said communication by said calling party as taught by Gainsboro.

The modification will allow the calling party to monitor the call such that the calling party would decide whether there is no answer.

Regarding **claim 21**, Stern as applied to **claim 3** above differs from **claim 21** in that Stern does not disclose the administrative control to initiate recording.

However, Gainsboro teaches a method, wherein said method further comprises the step of:

providing administrative control to initiate recording of said communication (see column 8, lines 8-12).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the administrative control to initiate recording as taught by Gainsboro.

The modification will allow the operator to record the call such that the data can be transmitted among the control units.

Art Unit: 2645

8. **Claims 7, and 24-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern in view of Daudelin U.S. Patent No. 4,922,519.

Regarding **claim 7**, Stern as applied to **claim 3** above differs from **claim 7** in that Stern does not disclose the bridging said communication connection.

However, Daudelin teaches a method, wherein said establishing comprises the steps of:

initiating a second communication connection (see column 12, lines 18-26); and
bridging said communication connection with said second communication connection (see column 12, lines 18-26).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the bridging said communication connection as taught by Daudelin.

The modification will allow the service provider to have a three call service such that the communication can be monitored.

Regarding **claim 24**, Stern as applied to **claim 3** above differs from **claim 24** in that Stern does not disclose the monitoring said communication for fraud detection.

However, Daudelin teaches a method, wherein said method further comprises the step of:

monitoring said communication for fraud detection events (see column 3, lines 66-68).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the monitoring said communication for fraud detection as taught by Daudelin.

The modification will allow the operator to detect fraud events such that the data can be used as evidence for high propensity for fraud.

Art Unit: 2645

Regarding **claim 25**, Stern as applied to **claim 2** above differs from **claim 25** in that Stern does not disclose the calling party classes.

However, Daudelin teaches a method, wherein said method further comprises the step of:

providing calling party classes, said classes determining levels of entitlement (see column 5, lines 44-48);

wherein said communication request is selectively granted or denied based on the class of said calling party (see column 6, lines 3-8).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the calling party classes as taught by Daudelin.

The modification will allow the operator to determine the class of the call such that the operator assistance may no longer required.

Art Unit: 2645

Regarding **claim 26**, Stern as applied to **claim 3** above differs from **claim 26** in that Stern does not disclose the storing in said account data representative of said communication.

However, Daudelin teaches a method, wherein said method further comprises the step of:

storing in said account data representative of said communication (see column 4, lines 33-40).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the storing in said account data representative of said communication as taught by Daudelin.

The modification will allow the operator to record the communication such that the traffic would be control dynamically.

Art Unit: 2645

9. **Claims 9 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern in view of Morganstein U.S. Patent No. 5,109,405.

Regarding **claim 9**, Stern as applied to **claim 2** above differs from **claim 9** in that Stern does not disclose the an option to prohibit any future calls.

However, Morganstein teaches a method, wherein said method further comprises the step of:

providing said called party with an option to prohibit any future calls from said calling party (see column 8, lines 33-35).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding an option to prohibit any future calls as taught by Morganstein.

The modification will allow the called party to refuse any call from the calling party such that the line would be free from undesirable calls.

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Regarding **claim 10**, Stern as applied to **claim 2** above differs from **claim 10** in that Stern does not disclose the option to prohibit future calls from the location.

However, Morganstein teaches a method, wherein said method further comprises the step of:

providing said called party with an option to prohibit future calls from the location of said calling party (see column 8, lines 66-67).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the option to prohibit future calls from the location as taught by Morganstein.

The modification will allow the called party to reject future call from this location such that it could manage his incoming calls.

Art Unit: 2645

10. **Claims 17-20, 22 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern in view of Howe et al. U.S. Patent No. 5,471,519 (hereinafter Howe).

Regarding **claim 17**, Stern as applied to **claim 3** above differs from **claim 17** in that Stern does not disclose the monitoring said calling party terminal.

However, Howe teaches a method, wherein said account contains data indicating whether to monitor said calling party terminal (see column 8, lines 1-7).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the monitoring said calling party terminal as taught by Howe.

The modification will allow the operator to monitor the call such that the operator would send signals of the call to a telephone central.

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Regarding **claim 18**, Stern as applied to **claim 3** above differs from **claim 18** in that Stern does not disclose the option to monitor said communication to predetermined telephone numbers.

However, Howe teaches a method, wherein said account contains data indicating whether to monitor said communication to predetermined telephone numbers (see column 7, lines 44-47).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the option to monitor said communication to predetermined telephone numbers as taught by Howe.

The modification will allow the monitoring of the communication to predetermined telephone numbers such that the service provider will be able to monitor different communication types.

Regarding **claim 19**, Stern as applied to **claim 3** above differs from **claim 19** in that Stern does not disclose the option to monitor said communication to said called party.

However, Howe teaches a method, wherein said account contains data indicating whether to monitor said communication to said called party (see column 7, lines 47-51).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the option to monitor said communication to said called party as taught by Howe.

The modification will allow the called party to monitor incoming calls such that it could manage his calls.

Regarding **claim 20**, Stern as applied to **claim 3** above differs from **claim 20** in that Stern does not disclose the option to whom communications should be not recorded.

However, Howe teaches a method, wherein said account contains data indicating called parties to whom communications should be not recorded (see column 10, lines 26-28).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the option to whom communications should be not recorded as taught by Howe.

The modification will allow the called party will choose calls to be recorded such that it could have choices on monitoring his incoming calls.

Regarding **claim 22**, Stern as applied to **claim 3** above differs from **claim 22** in that Stern does not disclose the option to initiate administrative monitoring of said communication.

However, Howe teaches a method, wherein said method further comprises the step of:

providing administrative control to initiate administrative monitoring of said communication (see column 10, lines 34-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the option to initiate administrative monitoring of said communication as taught by Howe.

The modification will allow the control to administrate call monitoring such that the called party could have a predetermined list of numbers to monitor.

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Regarding **claim 23**, Stern as applied to **claim 3** above differs from **claim 23** in that Stern does not disclose the administrative control to terminate said communication.

However, Howe teaches a method, wherein said method further comprises the step of:

providing administrative control to terminate said communication (see column 12, lines 9-17).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the administrative control to terminate said communication as taught by Howe.

The modification will allow the administrative control to terminate said communication such that the called party could setup that option when registered.

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11. **Claims 27 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern in view of Hou et al. U.S. Patent No. 5,566,229 (hereinafter Hou).

Regarding **claim 27**, Stern as applied to **claim 3** above differs from **claim 27** in that Stern does not disclose the storing keywords in said account.

However, Hou teaches a method, wherein said method further comprises the step of:

storing keywords in said account (see column 5, lines 5-10).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the storing keywords in said account as taught by Hou.

The modification will allow the account to have keywords recorded such that the data can be stored in the database.

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Regarding **claim 28**, Stern and Hou as applied to **claim 27** above differ from **claim 28** in that Stern and Hou did not disclose the monitoring said communication for said keywords.

However, Hou teaches a method, wherein said method further comprises the step of:

monitoring said communication for said keywords (see column 10, lines 28-32).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the monitoring said communication for said keywords as taught by Hou.

The modification will allow the operator to monitor the call using keywords such that the speech recognition can spot the keyword.

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12. **Claims 29-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern in view of Matchett et al. U.S. Patent No. 5,229,764 (hereinafter Matchett).

Regarding **claim 29**, Stern as applied to **claim 3** above differs from **claim 29** in that Stern does not disclose the biometric voice verification.

However, Matchett teaches a method, wherein said identifying comprises biometric voice verification (see column 6, lines 49-52).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern by adding the biometric voice verification as taught by Matchett.

The modification will allow the system to have biometric voice verification such that the data can be processed.

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Regarding **claim 30**, Stern and Matchett as applied to **claim 29** above differ from **claim 30** in that Stern and Matchett did not disclose the biometric voice verification occurs continuously.

However, Matchett teaches a method, wherein said biometric voice verification occurs continuously during said communication (see column 6, lines 62-64).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern and Matchett by further adding the biometric voice verification occurs continuously as taught by Matchett.

The modification will allow the biometric voice verification occurs continuously such that the system will be protected as long as the device is in use.

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Regarding **claim 31**, Stern and Matchett as applied to **claim 29** above differ from **claim 31** in that Stern and Matchett did not disclose the process of the voice samples of the calling party.

However, Matchett teaches a method, wherein said biometric voice verification comprises the steps of:

- digitizing a first sample of said calling party (see column 4, lines 58-59);
- storing said first sample (see column 4, line 60);
- digitizing a second sample of said calling party from said communication (see column 4, lines 61-64);
- storing said second sample (see column 4, lines 60); and
- comparing said first sample to said second sample for verifying identification of said calling party (see column 4, lines 65-66).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern and Matchett by further adding the process of the voice samples the calling party as taught by Matchett.

The modification will allow the operator to record the process of voice samples such that the rejection of the user can be done at anytime during its use.

Regarding **claim 32**, Stern and Matchett as applied to **claim 29** above differ from **claim 32** in that Stern and Matchett did not disclose the process of the voice samples the called party.

However, Matchett teaches a method, wherein said biometric voice verification comprises the steps of:

- digitizing a first sample of said called party (see column 4, lines 58-59);
- storing said first sample (see column 4, line 60);
- identifying said called party (see column 4, lines 67-68);
- digitizing a second sample of said called party from said communication (see column 4, lines 61-64);
- storing said second sample (see column 4, lines 60); and
- comparing said first sample to said second sample for verifying identification of said called party (see column 4, lines 65-66).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern and Matchett by further adding the process of the voice samples the called party as taught by Matchett.

The modification will allow the operator to process the voice samples of the called party such that the data can be tested for the duration of the call.

13. **Claims 33 and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern in view of Hou in further view of Matchett.

Regarding **claim 33**, Stern and Hou as applied to **claim 28** above differ from **claim 33** in that Stern and Hou did not disclose the process of the voice samples the called party.

However, Matchett teaches a method, wherein said biometric voice verification comprises the steps of:

- identifying said called party (see column 4, lines 67-68);
- digitizing a first sample of said calling party (see column 4, lines 58-59);
- storing said first sample (see column 4, line 60);
- digitizing a second sample of said called party (see column 4, lines 61-64);
- storing said second sample (see column 4, line 60);
- digitizing a third sample of said communication (see column 5, lines 1-3);
- storing said third sample (see column 4, line 60); and
- comparing said first sample and said second sample to said third sample (see column 4, lines 65-66).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern and Hou by further adding the process of the voice samples the called party as taught by Matchett.

The modification will allow the process of the voice samples the called party such that the continuous monitoring would be done.

Art Unit: 2645

Regarding **claim 34**, Stern, Hou and Matchett as applied to **claim 33** above differ from **claim 34** in that Stern, Hou and Matchett did not disclose the detection of unauthorized parties.

However, Matchett teaches a method, wherein said comparing detects unauthorized parties to said communication (see column 5, lines 40-44).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Stern, Hou and Matchett by further adding the detection of unauthorized parties as taught by Matchett.

The modification will allow the detection of unauthorized parties such that the fraudulent calls can be eliminated.

14. **Claim 36** is rejected under 35 U.S.C. 103(a) as being unpatentable over Gainsboro and in view of Kikinis et al. U. S. Patent No. 5,799,068 (hereinafter Kikinis).

Gainsboro as applied to **claim 35** above differ from **claim 36** in that Gainsboro did not disclose a digital recording buffer.

However, Kikinis teaches a method, wherein said method further comprises the steps of:

providing a digital recording buffer (see column 6, lines 62-64) and a digital mass storage device (see column 16, lines 57-60);

monitoring said system for active calls (see column 9, line 30-32); and
recording said active calls in said buffer (see column 21, lines 32-33).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Gainsboro by adding a digital recording buffer as taught by Kikinis.

The modification will allow the recording of active calls such that the names will be entered.

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15. **Claim 37** is rejected under 35 U.S.C. 103(a) as being unpatentable over Gainsboro in view of Kikinis and in further view of Hou.

Gainsboro and Kikinis as applied to **claim 36** above differ from **claim 37** in that they did not disclose the process of recording continuously.

However, Hou teaches a method, wherein said recording is continuous (see column 3, lines 23-29).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Gainsboro and Kikinis by further adding the process of recording continuously as taught by Hou.

The modification will allow the recording to be done continuously such that the caller could be identified by viewing more than one file.

16. **Claim 38** is rejected under 35 U.S.C. 103(a) as being unpatentable over Gainsboro, in view of Kikinis, and in further view of Daudelin.

Gainsboro and Kikinis as applied to **claim 36** above differ from **claim 38** in that they did not disclose monitoring said active call for fraud detection events.

However, Daudelin teaches a method, wherein said method further comprises the steps of:

monitoring said active call for fraud detection events (see column 3, lines 66-68);
storing said buffer contents in said mass storage device if said monitoring returns a positive result (see column 4, lines 21-28); and

recording the remainder of said active call in said mass storage device if said monitoring returns a positive result (see column 4, lines 33-39).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Gainsboro and Kikinis by further adding the monitoring said active call for fraud detection events as taught by Daudelin.

The modification will allow the detection of unauthorized parties such that the fraudulent calls can be eliminated.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gerber et al. is cited for a telephone usage monitoring arrangement (see FIG. 1).


Cohn et al. is cited for a network-based multimedia communications and directory system and method of operation (see FIG. 1).

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18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.


g.g.
January 28, 2002

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